

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LIFE INSURANCE COMPANY OF NORTH
AMERICA,

Plaintiff,

v.

5:06-CV-946
(FJS/GHL)

JODEAN M. HARRELL; CRYSTAL HARRELL;
NIKKI HARRELL; ESTATE OF DAVID HARRELL;
JOHN DOES 1-5; and JANE DOES 1-5,

Defendants.

APPEARANCES

RUSSO, KEANE & TONER, LLP
26 Broadway, 28th Floor
New York, New York 10004
Attorneys for Plaintiff

OF COUNSEL

JAMIE R. ZARETSKY, ESQ.
KEVIN G. HORBATIUK, ESQ.

RINALDI LAW OFFICE
120 East Washington Street, Suite 422
Syracuse, New York 13202
Attorneys for Defendants Crystal Harrell and
Nikki Harrell and Defendant/Cross-Claimant
Estate of David Harrell

ANGELO J. RINALDI, ESQ.

JODEAN M. HARRELL
19 Grover Street
East Syracuse, New York 13057
Defendant/Cross-Defendant *pro se*

SCULLIN, Senior Judge

ORDER

Plaintiff Life Insurance Corporation of North America is holding \$242,000 in life insurance proceeds under group policies numbered FLI 980002 and FLI 52096 relative to the

death of David J. Harrell ("Life Insurance Proceeds"). Plaintiff makes no claim in its own right to these Life Insurance Proceeds.

Defendants Jodean M. Harrell, Crystal Harrell, Nikki Harrell, and the Estate of David Harrell assert conflicting claims to the above-referenced Life Insurance Proceeds, and Plaintiff cannot safely determine the validity of the claims.

Plaintiff has been required to employ attorneys for the purpose of instituting this action and is entitled to reasonable attorney's fees in the amount of \$4,902.28.

Accordingly, the Court hereby

ORDERS that, within **SEVEN (7) DAYS** of the date of this Order, Plaintiff shall deposit with the Clerk of this Court the amount of Plaintiff's admitted liability of \$237,097.72 (i.e., the above-referenced Life Insurance Proceeds minus the above-referenced reasonable attorney's fees); and the Court further

ORDERS that, pursuant to Local Rule 67.1 of the Local Rules of Practice for this Court, within **TEN (10) DAYS** of the Clerk's receipt of the above-referenced amount, the Clerk shall take all reasonable steps to deposit the amount in the Court's registry (which shall be an interest-bearing account); and the Court further

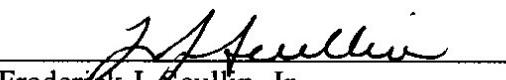
ORDERS that, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, upon Plaintiff's deposit of the above-referenced amount with the Clerk of this Court, Plaintiff shall be released and discharged from any further liability upon its group life insurance policies numbered FLI 980002 and FLI 52096 relative to the death of David J. Harrell, and the Clerk of this Court shall memorialize Plaintiff's **DISMISSAL** from this action through a separate entry on the action's docket sheet; and the Court further

ORDERS that, pursuant to 28 U.S.C. § 2361, each Defendant shall be **ENJOINED** from instituting or prosecuting any proceeding against Plaintiff, in any court, federal or state, for the recovery of the life insurance proceeds under the policies at issue in this action, or any part thereof; and the Court further

ORDERS that Defendants shall interplead and litigate, in this action, their respective claims to the above-referenced amount of \$237,097.72.

IT IS SO ORDERED.

Dated: October 20, 2007
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge